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PATENT APPLICATION

ATTORNEY DOCKET NO. 10018845-1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Chiang Alexander, et al.

Confirmation No.: 4982

Application No.: 09/986,221

Examiner: Kyle R. Stork

Filing Date: Oct. 22, 2001

Group Art Unit: 2178

Title: SYSTEM FOR AUTOMATIC GENERATION OF ARBITRARILY INDEXED HYPERLINKED TEXT

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Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on Oct. 27, 2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

( ) one month	\$120.00
( ) two months	\$450.00
( ) three months	\$1020.00
( ) four months	\$1590.00

( ) The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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PATENT  
Attorney Docket No.: 10018845-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellant(s)	Chiang Alexander, et al.	Examiner	Londra C. Burge
Serial No.	09/986,221	Group Art No.	2178
Filed	October 22, 2001	Confirmation No.	4982
For	System For Automatic Generation Of Arbitrarily Indexed Hyperlinked Text		

**APPEAL BRIEF**

In accordance with 37 C.F.R. § 41.37, and fully responsive to the Office Action of July 27, 2005, Appellants hereby file their appeal brief in support of their Appeal in the above-identified matter. A notice of appeal, with appropriate fee of \$500.00 as required by §§41.31, 41.20(b)(1), was filed on October 27, 2005. The \$500.00 fee for this appeal brief, as required by 37 C.F.R. §41.20(b)(2), is also filed herewith. This appeal brief is timely filed within two months of the mailing of the notice of appeal.

***I. Real party in interest***

The real party in interest for this appeal is Hewlett-Packard Development Company, L.P. (HPDC), a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249, Houston, TX 77070, U.S.A. HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, L.L.C. Evidence of this assignment, which was recorded on September 30, 2003, may be found at reel/frame 014061/0492.

## **II. *Related appeals and interferences***

No other appeals or interferences are known to appellants, the Appellants' legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

## **III. *Status of claims***

All pending claims, 1–6, 9–13, and 15–19, stand finally rejected under 35 U.S.C. 102(e) as being anticipated by Sotomayor, USPN 5,708,825.

All pending claims 1–6, 9–13, and 15–19 are appealed herein.

## **IV. *Status of amendments***

In the Office Action Response, mailed November 17, 2004, independent claims 1, 9, and 16 were amended, and claims 7, 8, 14, and 20 were canceled. No other amendments to the present application have been filed.

## **V. *Summary of Claimed Subject Matter***

The present system indexes text according to an arbitrary (i.e., not necessarily alphabetical) set of indices 101 and automatically generates hyperlinks from each index to a related topic in a document 205 [Paragraph 0009]. A text file 210 containing the text of the documentation of interest is used as input to a hyperlink processing program that generates a file 214 containing links to all of the topics 101 of interest in the documentation [Paragraph 0010]. In one claimed embodiment, the hyperlink processing program performs the steps set forth below [per Paragraph 0011]:

(a) A category file 215 is created that indicates an association between each of the topics and corresponding subjects included in each topic.

(b) A data structure **216** is generated that associates each topic with corresponding subject names in accordance with the association defined in the category file.

(c) A plurality of subject name files **220** are generated, each including HTML (hypertext markup language) text corresponding to an associated subject.

(d) A global index file **214** comprising the hyperlinks to each of the subject name files is generated.

(e) A plurality of index files **230** is generated, each including hyperlinks between each of the topics and corresponding subject name files in accordance with the data structure **216**.

(f) A list of category names corresponding to a primary set of indices **101** is displayed in a first window 108, using hyperlinks in the index files **230**.

(g) A secondary set of indices **104** comprising a list of subject names is displayed in a second window 109, in response to a user selecting one of the category names.

(h) In response to a user clicking on one of the subject names in the second window, the text in the subject name file corresponding to the subject name selected by the user is displayed in a third window 110, using hyperlinks [e.g., **106**] in the global index file **214**.

(i) The present system automatically updates [step **320**, Fig. 3] hyperlinks [e.g., **107**] on web page 100 to link to point to the new (or modified) version of the documentation (or other information located on the web page) created in accordance with the process described above [Paragraphs 0012 and 0048].

## ***VI. Grounds of Rejection to Be Reviewed on Appeal***

Claims 1–6, 9–13, and 15–19 stand rejected as being anticipated under 35 U.S.C. 102(e) by U.S. Patent No. 5,708,825 to Sotomayor

## **VII. Argument**

*Claims 1–6, 9–13, and 15–19 are not anticipated by U.S. Patent No. 5,708,825 to Sotomayor, since the patent does not disclose every element of any one of these pending claims.*

### **1. Summary**

Appellants' position on the present issue may be summarized as follows:

- (a) U.S. Patent No. 5,708,825 to Sotomayor (hereinafter "Sotomayor") discloses a system that enables "scanning one or more documents, automatically identifying significant key topics, concepts, and phrases in the documents, and creating summary pages for, and hyperlinks between, some or all of these key topics" [Sotomayor Abstract].
- (b) Sotomayor does not disclose each element of any of Appellants' independent claims 1, 9, or 16.

Each of Appellants' independent claims includes, *inter alia*, the following limitations:

- copying a first set of hyperlinks, a second set of hyperlinks, and HTML-encoded target text to a web site; and
- updating, on a web site, the hyperlinks necessary to link a web page on the web site to a new version of a document.

Thus Appellants maintain that claims 1–6, 9–13, and 15–19 are not anticipated, under 35 U.S.C. 102(e), by Sotomayor, because the document does not disclose every one of the elements and limitations recited in these claims, as explained below.

### **2. Discussion**

In the most recent Office Action of July 27, 2005, all pending claims, 1–6, 9–13, and 15–19, were rejected under 35 U.S.C. § 102(e)

as being anticipated by U.S. Patent No. 5,708,825, issued to Sotomayor (hereinafter "Sotomayor").

## 2.1. Claim 1

In the July 27, 2005 Office Action, the Examiner stated, in regard to claim 1:

*"Sotomayor discloses including the step of copying the first set of hyperlinks, the second set of hyperlinks, and the HTML-encoded target text to a web site (Sotomayor Col 36 Lines 35-61 and Col 11 Lines 60-67 and Col 12 Lines 1-10)".*

The Examiner further stated, in regard to claim 1,

*"Sotomayor discloses including the step of updating, on the web site, the hyperlinks necessary to link a web page on the web site to a new version of the document containing the HTML-encoded target text. (Sotomayor Col 4, Lines 22-48 and Col 5, Lines 53-62)".*

The first of the two sections cited above, col. 5, lines 53-62 of the Sotomayor patent, states:

A `web browser` is traditionally defined as a computer program which supports the displaying of documents, which include Hypertext Markup Language (HTML) formatting markup tokens (discussed further below), and hyperlinking to other documents, or phrases in documents, across a network. In particular, web browsers are used to access documents across the Internet's World Wide Web. The discussion of present invention defines both `web browser` and `browser` to include browser programs which enable accessing hyperlinked information over the Internet and ...

The second section in Sotomayor noted above as being cited by the Examiner against claim 1 [col. 4, lines 22-48] states, in part:

One embodiment of the present invention includes a process running on a computer which (a) allows an author to select documents and then, using a semantic analyzer program running on a computer, (b) automatically identifies significant key topics within the selected documents, (c) compiles those key topics into summary pages, (d) generates presentation pages by segmenting the selected documents into smaller pieces, and (e) embeds hyperlinks from these summary pages to the locations where key topics appear in the presentation pages ...  
A method of using a computer to hyperlink through

automatically generated hyperlinks and a data structure which can be used to support that hyperlinking are described....

Appellants can find nothing in either of the above sections in Sotomayor that is, in any way, related to either “**copying**” hyperlinks on a web site, or ‘**updating**’ hyperlinks on a web site.

Appellants further note that there is nothing in either of the above sections cited by the Examiner that mentions “web site”, “website”, or “database provider” (which term is used elsewhere in Sotomayor). Other commonly used terms relevant to Appellants’ claimed invention that are absent from the Sotomayor patent (with respect to a web site) include all forms of the words “update”, “upload”, and “refresh” [a variant of the word “update” appears once in the Sotomayor patent in the context of an “updated regular lexicon dictionary 195”, as noted below]. In fact, the only occurrence of “update”, “updated”, or “updating” in the entire Sotomayor patent refers to updating a “regular lexicon dictionary”, which is totally irrelevant to Appellants’ claimed invention:

The author can then add any or all of these words to regular lexicon dictionary 195 giving them semantic and syntactic values and then reprocess their documents and the updated regular lexicon dictionary 195.

From a technical standpoint, the first citation from Sotomayor (above) is simply explaining what a ‘web browser’ is, and how it works. This citation is from the initial ‘terms and definitions’ section of the Sotomayor’s specification – it does not describe how either Sotomayor’s invention or Appellants’ claimed system works at all. The citation merely describes a tool that can be used to *access* web pages that are *already-generated*, rather than *how to generate or update the pages themselves*.

In the Sotomayor method, **the documents themselves are updated**, so that internal consistency is maintained. Consider a document containing an index. When some pages in the document have been moved around or otherwise modified, an **index** (or indices) must be updated. However, this updating of indices is not the same (or similar) process as *updating an*

**external source – the web site** – to point to newly updated text, name files and/or indices.

Appellants note that there is *not a single reference* in the entire Sotomayor patent to “web site” or “website”. The Sotomayor patent uses the term “web” in exactly three contexts, none of which is a “web site”:

- (1) “World Wide Web”;
- (2) “web browser”; and
- (3) “When creating most web pages...”

Furthermore, in the entire patent, there are only three occurrences of the term “server” (which could conceivably be used in lieu of “web site”) :

(1) “In lines 12 through 13 anchors for returning to a server's home page and for retrieving the next segment of the document are placed.”

(2) “HREF=”http://www.myserver.com/user1/project2#GEN03789” would hyperlink to the label name GEN03789 in the document user1/project2 at the server computer at the network address http://www.myserver.com. “

(3) “Line 9 defines an icon (ICONHOME.GIF) as an anchor for a jump to the home page of the Iconovex Corporation server.”

Therefore, Appellants assert that Sotomayor does not disclose either **copying** hyperlinks to, or **updating** hyperlinks on, a *web site* (or central web server), as recited in each of Appellants’ independent claims. *The Examiner has not provided Appellants with any specific reason that would explain, where or how, in the Sotomayor patent, the updating of hyperlinks on a website takes place.* Appellants maintain that the above sections from the Sotomayor patent do not disclose a process for updating hyperlinks on a web site.

For at least the reasons set forth above, Appellants maintain that Sotomayor does not disclose anything relevant to either of the processes of (1) copying hyperlinks and HTML-encoded target text to a web site, or (2) updating hyperlinks on a website (or central web server), as recited in



Appellants' independent claims. Therefore, all pending independent claims 1, 9, and 16 should be allowable over the cited art, since Sotomayor does not disclose the above-noted elements and limitations recited in those claims.

## **2.2. Independent Claims 9 and 16**

Appellants note that, although the Examiner refers to Appellants' claims 9 and 16 as "dependent" claims, these claims are actually independent claims. In rejecting claim 9, the Examiner makes essentially the same argument as set forth above with respect to the step (in claim 1) of updating a web site:

Sotomayor discloses *copying the first set of hyperlinks, the second set of hyperlinks, and the HTML-encoded target text to the web site* (Sotomayor Col 36, Lines 35–61 and Col 11, Lines 60–67, and Col 12 Lines 1–10); and *updating, on the web site, the hyperlinks necessary to link a web page on the web site to a new version of the document containing the HTML-encoded target text*. (Sotomayor col. 4, lines 22–48 and col. 5, lines 53–62).

For the same reasons as set forth above with respect to claim 1, Appellants submit that Sotomayor does not teach updating of a website, as (also) claimed in independent claim 9.

In rejecting independent claim 16, the Examiner does not assert that Appellants' claimed step of updating the web site is taught by the Sotomayor reference. Appellants assume that this was an oversight by the Examiner. Appellants note that claim 16 was previously amended to recite "updating, on the web site, the hyperlinks necessary to link a web page on the web site to a new version of said associated text". Further assuming that the Examiner were to use the same basis for rejection of claim 16 as was used to reject claim 1, Appellants assert that, for the same reasons as those set forth above with respect to claim 1, Sotomayor does not teach either copying hyperlinks to, or updating hyperlinks on, a *web site* (or central web server), as also claimed in independent claims 9 and 16.

As is the case with claim 1, Appellants' independent claims 9 and 16 recite that hyperlinks are not only copied to a web site, but also that these hyperlinks are updated on the web site itself. Sotomayor nowhere

teaches these claim limitations common to all of Appellants' independent claims. Therefore, Appellants believe that claims 9 and 16, in addition to claim 1, patentably distinguish over the disclosure of Sotomayor, since the present claims, *inter alia*, recite updating of hyperlinks *on a web site*, to point to newly updated documents or other text.

**2.3. Dependent Claims 2–6, 10–13, 15, and 17–19**

Appellants believe that an analysis and rebuttal of the Examiner's reasons for rejecting Appellants' dependent claims is unnecessary, as those reasons are moot in view of the evidence and reasoning, presented above, which shows that all of the pending independent claims should be allowable over the cited art.

Appellants believe that all of the pending dependent claims are allowable, since each of these claims depends from a claim which Appellants believe has been shown to be allowable. For at least the reasons set forth above, Appellants believe that none of the pending claims are anticipated by the Sotomayor patent. Appellants thus request that all pending claims 1–6, 9–13, and 15–19 be allowed in view of the above discussion.

**VIII. Claims Appendix.**

Appellants enclose a copy of the claims involved in this appeal as an appendix hereto.

**IX. Evidence Appendix.**

No evidence is entered or relied upon in this appeal.

**X. Related Proceedings Appendix.**

To Appellants' knowledge, there are no related decisions rendered by a court or the Board for submission with this appeal.

**XI. Conclusion**

In view of the above arguments, Appellants submit that none of the presently pending claims in the present application are anticipated by Sotomayor, for at least the reasons set forth above.

Other than the costs for the appeal brief, we believe no additional fees are due in connection with this matter. However, if any additional fee is deemed necessary in connection with this brief, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 12-0600.

Respectfully submitted,

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## **CLAIMS APPENDIX**

The claims involved in the present appeal :

1. A system for linking a plurality of indices with related subjects and target text associated with each of the subjects comprising the steps of:
  - generating a global index file comprising said subjects and a corresponding address of the text associated therewith;
  - generating a data structure indicative of a correspondence between said indices and associated said subjects;
  - generating a subject name file comprising HTML-encoded target text associated therewith, for each of the subjects;
  - generating, for each of the indices, a first set of hyperlinks wherein each of the hyperlinks therein links one of the indices to the target text corresponding to one of the subjects in one of the indices;
  - generating a second set of hyperlinks wherein each of the hyperlinks therein links one of the subjects to the text corresponding thereto in the subject name file;
  - copying the first set of hyperlinks, the second set of hyperlinks, and the HTML-encoded target text to a web site; and
  - updating, on a web site, the hyperlinks necessary to link a web page on the web site to a new version of the document containing the HTML-encoded target text.
2. The system of claim 1, including the additional steps of:
  - displaying, in a first window, in accordance with said data structure, a list of the indices;
  - displaying, in a second window, a set of sub-indices comprising a list of subjects corresponding to a selected one of the indices in the first window, using a corresponding one of the first set of hyperlinks; and

displaying, in a third window, said target text in the subject name file corresponding to a selected one of the subjects in the second window, using a corresponding one of the second set of hyperlinks.

3. The system of claim 1, including the step of initially loading said target text from a first text file into a second text file, wherein a beginning delimiter indicating a subject name, and a text delimiter indicating the text associated with the subject name, for each subject therein, are inserted into the second text file.

4. The system of claim 3, including the steps of:  
parsing the second text file to detect said beginning delimiter;  
generating the subject name file for the associated subject name following the beginning delimiter;  
parsing the second text file to detect said text delimiter; and  
copying the text associated with the subject name in the second text file to the subject name file.

5. The system of claim 1, including the steps of:  
defining a plurality of indices;  
creating a category file comprising a plurality of said indices and a group of related subjects corresponding to each of the indices; and  
creating said data structure by associating each said subject with a corresponding one of said indices in accordance with the category file.

6. The system of claim 1, wherein a hyperlink is created that links one of the indices directly with said text associated therewith.

7.-8. (Cancelled)

9. A system for generating hyperlinks between a plurality of indices and associated text on a web site comprising the steps of:

creating a category file indicating an association between each of the indices and corresponding subject names;  
generating a data structure associating said indices and said corresponding subject names in accordance with said category file;  
generating a plurality of subject name files, each including text corresponding to a subject associated therewith;  
generating a global index file comprising said hyperlinks to each of said subject name files;  
generating a plurality of index files, each including hyperlinks between each of the indices and corresponding said subject name files in accordance with said data structure;  
displaying, in a first window, in accordance with said index files, a list of category names corresponding to said indices;  
displaying, in a second window, a set of sub-indices comprising a list of subject names corresponding to a selected instance of said category names, in accordance with said index files, in response to a user selecting one of said category names;  
displaying, in a third window, said text in said subject name file corresponding to a selected one of said subject names, using said hyperlinks in said global index file, in response to a user selecting one of said subject names in the second window;  
copying all of said hyperlinks, and said text in said subject name file, to the web site; and  
updating, on the web site, the hyperlinks necessary to link a web page on the web site to a new version of said associated text.

10. The system of claim 9, including the additional step of encoding the text for each of the subject name files in HTML format.

11. The system of claim 9, including the additional steps of:  
initially loading said text from a first text file into a second text  
file; and  
inserting a beginning delimiter indicating a subject name, and a  
text delimiter indicating the text associated with the subject  
name, for each subject therein, are inserted into the  
second text file;  
wherein the additional steps are performed prior to copying the  
text to the web site.

12. The system of claim 11, including the steps of:  
parsing the second text file to detect said beginning delimiter;  
generating the subject name file for the associated subject name  
following the beginning delimiter;  
parsing the second text file to detect said text delimiter; and  
copying the text associated with the subject name in the second  
text file to the subject name file.

13. The system of claim 9, including the steps of:  
defining a plurality of indices;  
creating a category file comprising a plurality of said indices and  
a group of related subjects corresponding to each of the  
indices; and  
creating said data structure by associating each said subject with  
a corresponding one of said indices in accordance with the  
category file.

14. (Cancelled)

15. The system of claim 9, wherein a hyperlink is created that  
links one of the indices directly with said text associated therewith.

16. A system for linking, on a web page, a plurality of system commands, categories thereof, and associated text, the system comprising the steps of:

- generating a global index file comprising said commands and a corresponding address of the text associated therewith;
- generating a data structure indicative of a correspondence between said categories and associated said commands;
- generating a command name file comprising HTML-encoded text associated therewith, for each of the commands;
- generating, for each of the categories, a first set of hyperlinks wherein each of the hyperlinks therein links one of the categories to the target text corresponding to one of the commands in one of the categories;
- generating a second set of hyperlinks wherein each of the hyperlinks therein links one of the commands to the text corresponding thereto in the command name file;
- copying the first set of hyperlinks, the second set of hyperlinks, and the HTML-encoded target text to a web site displaying the web page; and
- updating, on the web site, the hyperlinks necessary to link the web page to a new version of the document containing the HTML-encoded target text.

17. The system of claim 16, including the steps of:

- defining a plurality of indices;
- creating a category file comprising a plurality of said indices and a group of related subjects corresponding to each of the indices; and
- creating said data structure by associating each said command with a corresponding one of said indices in accordance with the category file.

18. The system of claim 17, including the additional steps of:



displaying, in a first window, in accordance with said data structure, a list of the categories;  
displaying, in a second window, a list of commands corresponding to a selected one of said categories in the first window, using a corresponding one of the first set of hyperlinks; and  
displaying, in a third window, the text in the command name file corresponding to a selected one of the subjects in the second window, using a corresponding one of the second set of hyperlinks.

19. The system of claim 18, including the steps of:  
initially loading said target text from a first text file into a second text file, wherein a beginning delimiter indicating a subject name, and a text delimiter indicating the text associated with the subject name, for each subject therein, are inserted into the second text file;  
parsing the second text file to detect said beginning delimiter;  
generating the subject name file for the associated subject name following the beginning delimiter;  
parsing the second text file to detect said text delimiter; and  
copying the text associated with the subject name in the second text file to the subject name file.

## **EVIDENCE APPENDIX**

No evidence is entered or relied upon in this appeal.

## **RELATED PROCEEDINGS APPENDIX**

To Appellants' knowledge, there are no related decisions rendered by a court or the Board for submission with this appeal.